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Page 1

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 15-cv-2017 (PKC) (SN)

-----x
YOTAM MAROM, MIRIAM ROCEK, and DON FITZGERALD,
Plaintiffs,

- against -

NEW YORK POLICE DEPARTMENT SERGEANT FIOR
BLANCO, NEW YORK POLICE DEPARTMENT LEGAL
BUREAU OFFICER OLEG CHERNYAVSKY, NEW YORK
POLICE DEPARTMENT OFFICER MICHAEL GALGANO,
Shield No. 2671, NEW YORK POLICE DEPARTMENT
OFFICER CYNTHIA BOYLE, Shield No. 06663, NEW
YORK POLICE DEPARTMENT OFFICER STEVEN
VALENTINE, Shield No. 13585, and NEW YORK
POLICE DEPARTMENT OFFICERS JOHN & JANE DOE #
1-15 (the names being fictitious, as the true
names and shield numbers are not presently
known), in their individual and official
capacities,

Defendants.

-----x
(Continued.)

1 VALENTINE

2 Q I am just going to caution you not to
3 reveal in response to my questions the
4 contents of any communications that you had
5 with Ms. Robinson because I am not trying to
6 get around the attorney, client privilege,
7 which usually will protect the contents of
8 those communications.

9 MR. OLIVER: Correct me if I am
10 wrong.

11 MS. ROBINSON: Correct. Don't
12 discuss anything we have discussed.

13 Q The contents, correct, of the
14 communications. The question was which
15 documents did you review on December 13th. I
16 think you got as far as the on-line.

17 A The affidavit, the vouchers and there
18 was a little piece of paper with -- I don't
19 know what you call it, pedigree or story.

20 Q Anything else in terms of documents
21 that you reviewed on the 13th?

22 A Not that I remember. That is all
23 that comes to my head.

24 MR. OLIVER: I am going to show the
25 witness what has been marked as Valentine1.

VALENTINE

2 These are documents that were disclosed by
3 email this morning by opposing counsel and that
4 opposing counsel was kind enough to bring hard
5 copies of to the deposition. I have marked
6 them collectively as Valentine 1. They are not
7 yet Bates numbered, but I understand they will
8 be reproduced with Bates numbers.

Just note that on Pages 2 and 3 of the OLBS, the third-party arrest ID has appeared to be redacted, which I don't think is consistent with the court's order to disclose third-party arrest numbers, which at any rate have already been disclosed as part of the mass arrest report. So, I am requesting when the Bates number copy is produced, it not contain those redactions on those pages of the OLBS report.

18 MS. ROBINSON: Your request is noted.

19 Q Officer Valentine, I am showing you
20 what has been marked as Valentine 1. Let me
21 know when you have had an opportunity to
22 review it.

23 (Exhibit handed to witness.)

24 A Alright.

25 Q Do you recognize those documents?

Page 16

1 **VALENTINE**

2 **A** **Yes.**

3 **Q** **Are those all the documents that you**
4 **reviewed on December 13th to prepare for your**
5 **deposition?**

6 **A** **Yes.**

7 **Q** **Did you review any documents on**
8 **December 13th to prepare for your deposition**
9 **aside from those documents that are included**
10 **in Valentine 1?**

11 **A** **No.**

12 **Q** **On December 13th, did you review any**
13 **photographs to prepare for your deposition?**

14 **A** **No.**

15 **Q** **I am sorry, aside from the photo that**
16 **is included --**

17 **A** **Yes, on the on-line movement slip.**

18 **Q** **There is a prisoner movement slip in**
19 **Valentine 1 and that contains a photo, right?**

20 **A** **Yes.**

21 **Q** **You reviewed that, right?**

22 **A** **Yes.**

23 **Q** **Aside from that photo, did you review**
24 **any photos to prepare for the deposition on**
25 **December 13?**

Page 21

1 VALENTINE

2 precinct came back --

3 A Like I remember fingerprinting a
4 whole bunch of purps.

5 Q What else?

6 A With this, I don't know what you want
7 to call it, Valentine 1, Page 1, I guess.

8 Q Okay.

9 A I believe someone from legal gave it
10 to me, I remember something, but I don't know
11 who. I remember speaking to someone from
12 legal, but I am not one hundred percent sure.

13 Q Where did that conversation occur?

14 A It occurred at 14th, Midtown South
15 Precinct.

16 Q Do you remember who from legal gave
17 it to you?

18 A No.

19 Q You know Dan Albano?

20 A Sounds familiar, but I am not sure.

21 Q You don't know Dan Albano from the
22 legal bureau from working on the task at
23 protests?

24 A The name rings a bell. If I had a
25 picture, I couldn't point to him.

1 VALENTINE

2 Q You couldn't?

3 A I don't think so. Maybe recognize
4 him by face, I don't know.

5 Q Tell me what you remember about the
6 person from the legal bureau that gave it to
7 you.

8 A I remember going to see somebody sit
9 down with them and they reviewed the charges,
10 and they were just basically asking a couple
11 of questions. They had me say what I wanted
12 to say and then they kind of reviewed the
13 charges.

14 Q Do you remember anything about what
15 that person looked like?

16 A No.

17 Q Do you remember their apparent
18 gender?

19 A No. Maybe male. I believe male.

20 Q Do you remember if they had hair on
21 their head?

22 A No.

23 Q Do you remember what color hair they
24 had on their head?

25 A No.

1 VALENTINE

2 Q Do you remember approximately how
3 tall they were?

4 A No.

5 Q Do you remember approximately what
6 they weighed?

7 A No.

8 Q Was it a person you had ever seen
9 before?

10 A I don't know.

11 Q You are not sure?

12 A Because I don't remember.

13 Q Do you know Kenneth O'Donnell?

14 A No.

15 Q Do you know Oleg Chern, C-H-E-R-N?

16 A No.

17 Q Aside from the ways that you have
18 just explained, did reviewing the documents in
19 Valentine 1 refresh your recollection about
20 the events of March 17th to 18th, 2012 in any
21 other ways?

22 A No. I don't think so.

23 Q Did reviewing the photo included in
24 Valentine 1 refresh your recollection about
25 the events of March 17th to 18th, 2012 in any

1 VALENTINE

2 A It would have just been my five.

3 Q At what point did you complete those
4 scratch copies, before you started
5 fingerprinting?

6 A Yes.

7 Q So, tell me what you did to create
8 those scratch OLBS's?

9 A I don't remember.

10 Q You don't remember at all?

11 A No. I mean, I can tell you what
12 would have happened is --

13 Q Well, usually when you do an OLBS, do
14 you have assistance from somebody from the
15 legal borough?

16 A I normally, yes.

17 Q Normally yes?

18 A In these type of situations.

19 Q When you say in these type of
20 situations, what type of situations?

21 A Like mass arrests, critical mass,
22 usually in large demonstrations.

23 Q I see. Was there a legal bureau
24 attorney who was present at Midtown South
25 Precinct?

Page 110

1 VALENTINE

2 A I believe so.

3 Q You remember me asking you questions
4 earlier in the deposition about that person?

5 A Yes.

6 Q It is a couple of hours later, you
7 have been reliving the events of the 17th to
8 the 18th for a couple of hours. So, sitting
9 here now, do you remember who that legal
10 bureau attorney was?

11 A No.

12 Q Sitting here now, do you remember
13 what they looked like?

14 A No. Besides just a white male.

15 Q Tell me what you remember with
16 respect to your interaction with that person
17 on March 17th, 2012.

18 A I believe that he went over, made
19 sure the charges were right and then he told
20 me about the story.

21 Q Tell me what you mean like he told
22 you about the story.

23 A This little piece of paper.

24 (Indicating)

25 Q Page 1 of Valentine 1, the little

1 VALENTINE

2 piece of paper, is that your handwriting?

3 A This is not, this.

4 (Indicating)

5 Q The narrative up top is not your
6 handwriting?

7 A No.

8 Q Whose handwriting is it?

9 A I don't know. I believe it's someone
10 from legal, but I am not sure.

11 MR. OLIVER: I will call for the
12 defendants to identify the author of the
13 narrative text in Page 1 of Valentine 1.

14 MS. ROBINSON: Your request is noted.
15 We are working on that.

16 MR. OLIVER: I will follow up in
17 writing.

18 Q So, the writing on this document that
19 is in your handwriting is these two numbers
20 that I am pointing to, right?

21 A Yes.

22 Q What do those correspond to?

23 A I don't know. I was trying to figure
24 that out myself. I know this is approximating
25 the time for the warnings and this is